

COMPLAINT - SUMMONS

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. GUSTAVO MARTINEZ ADDRESS: 415 BRICK BLVD BRICK NJ 08723-0000	
1303	S	2020	000783		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH					
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 20AP11948		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 06/14/1980 DRIVER'S LIC. #: SOCIAL SECURITY #: xxx-xx-x DL STATE: TELEPHONE #: () LIVSCAN PCN #:	
COMPLAINANT NAME: AMIR BERCOVICZ ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712					

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 06/01/2020 in **ASBURY PARK CITY**, **MONMOUTH County, NJ** did: **WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY, PURPOSELY FAIL TO OBEY AN ORDER TO DISPERSE.**

in violation of:

Original Charge	1) 2C:33-1B	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: AMIR BERCOVICZ Date: 06/02/2020

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the **Municipal Court** in the county of: **MONMOUTH**
 at the following address: **ASBURY PARK MUNICIPAL COURT**

ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 06/01/2020 Appearance Date: 06/12/2020 Time: 10:00AM Phone: 732-775-1765

Signature of Person Issuing Summons: AMIR BERCOVICZ Date: 06/02/2020

<input type="checkbox"/> Domestic Violence – Confidential	<input type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/ Death Involved
Special conditions of release: <input type="checkbox"/> No phone, mail or other personal contact w/victim <input type="checkbox"/> No possession firearms/weapons <input type="checkbox"/> Other (specify):		ORIGINAL Page 1 of 7

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER				STATE V.			
1303	S	2020	000783	GUSTAVO MARTINEZ			
<small>COURT CODE</small>	<small>PREFIX</small>	<small>YEAR</small>	<small>SEQUENCE NO.</small>				
FTA Bail Information		Date Bail Set: _____		Amount Bail Set: \$ _____ by: _____		<input type="checkbox"/> Bail Recog. Attached	
Released on Bail	R.O.R.	Committed Default	Committed w/o Bail	Place Committed: _____			Date Referred to County Prosecutor: _____
Date of First Appearance: 06/12/2020		<input type="checkbox"/> Advised of Rights by _____				Defendant Desires Counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Prosecuting Attorney Information				Defense Counsel Information			
Name:				Name:			
State	County	Municipal	Other	None	Retained	Public Def	Assigned
Original Charge		1) 2C:33-1B		2)		3)	
Amended Charge							
Waiver Indt/Jury							
Plea/Date of Plea		Plea: _____ Date: _____	Plea: _____ Date: _____	Plea: _____ Date: _____		Plea: _____ Date: _____	
Adjudication (* see code)		Finding Code: _____ Date: _____	Finding Code: _____ Date: _____	Finding Code: _____ Date: _____		Finding Code: _____ Date: _____	
Jail Term		Jail time credit	Susp. Imp	Jail time credit	Susp. Imp	Jail time credit	Susp. Imp
Probation Term			Susp. Imp		Susp. Imp		Susp. Imp
Cond. Discharge Term							
Community Service							
D/L Suspension Term							
Fines/Costs		Fines: _____ Costs: _____	Fines: _____ Costs: _____	Fines: _____ Costs: _____		Fines: _____ Costs: _____	
VCCB/SNSF		VCCB: _____ SNSF: _____	VCCB: _____ SNSF: _____	VCCB: _____ SNSF: _____		VCCB: _____ SNSF: _____	
DEDR/Lab Fee		DEDR: _____ LAB: _____	DEDR: _____ LAB: _____	DEDR: _____ LAB: _____		DEDR: _____ LAB: _____	
CD Fee/Drug Ed Fnd		CD: _____ DAEF: _____	CD: _____ DAEF: _____	CD: _____ DAEF: _____		CD: _____ DAEF: _____	
DV Surch/Other Fees		DV: _____ Other: _____	DV: _____ Other: _____	DV: _____ Other: _____		DV: _____ Other: _____	
Restitution Beneficiary: _____							
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes: Related Traffic Tickets and Complaints:						* Finding Codes	
						1 – Guilty 2 – Not Guilty 3 – Dismissed – Other 4 – Guilty but Merged 5 – Dismissed-Rule 6 – Dismissed Lack of Prosecution 7 – Dismissed – Pros Motion/Vic Req 8 – Conditional Discharge D – Dismissed- Prosecutor Discretion M – Dismissed- Mediation P – Dismissed-Plea Agreement S – Disposed at Superior W – Dismissed-False ID	
JUDGE'S SIGNATURE _____ DATE _____				ORIGINAL - Court Action Page 2 of 7 NJ/CDR1 1/1/2017			

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i>	
1303	S	2020	000783	<i>VS.</i>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	GUSTAVO MARTINEZ	
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH				ADDRESS: 415 BRICK BLVD BRICK NJ 08723-0000	
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 20AP11948		DEFENDANT INFORMATION	
COMPLAINANT NAME: AMIR BERCOVICZ				SEX: M EYE COLOR: BROWN DOB: 06/14/1980 DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: xxx-xx-x SBI #: TELEPHONE #: () LIVSCAN PCN #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 06/01/2020 in **ASBURY PARK CITY**, **MONMOUTH** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY, PURPOSELY FAIL TO OBEY AN ORDER TO DISPERSE.

in violation of:

Original Charge	1) 2C:33-1B	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Signed: AMIR BERCOVICZ Date: 06/02/2020

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court in the county of: MONMOUTH

at the following address: ASBURY PARK MUNICIPAL COURT

ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 06/01/2020 Appearance Date: 06/12/2020 Time: 10:00AM Phone: 732-775-1765

Signature of Person Issuing Summons: AMIR BERCOVICZ Date: 06/02/2020

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
☐ No possession firearms/weapons
☐ Other (specify):

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. GUSTAVO MARTINEZ	
1303	S	2020	000783		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH				ADDRESS: 415 BRICK BLVD BRICK NJ 08723-0000	
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 20AP11948		DEFENDANT INFORMATION	
COMPLAINANT NAME: AMIR BERCOVICZ		ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712		SEX: M EYE COLOR: BROWN DOB: 06/14/1980 DRIVER'S LIC. #: DL STATE: SOCIAL SECURITY # xxx-xx-x SBI #: TELEPHONE #: () LIVESCAN PCN #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **06/01/2020** in **ASBURY PARK CITY**, **MONMOUTH County, NJ** did: **WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY, PURPOSELY FAIL TO OBEY AN ORDER TO DISPERSE.**

in violation of:

Original Charge	1) 2C:33-1B	2)	3)
-----------------	--------------------	----	----

Check ✓	Certification by Police Regarding Complaint-Summons
✓	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ Name of family member over 14 years of age
	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ Defendant's last known address
	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ Name and title of authorized person
	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
	I certify that I was unable to serve the complaint-summons.

Signed: **AMIR BERCOVICZ ASBURY PARK POLICE DEPT** Date of Action: **06/02/2020**
 Name, Title and Department of Officer

**RETURN OF SERVICE
INFORMATION**

Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> GUSTAVO MARTINEZ ADDRESS: 415 BRICK BLVD BRICK NJ 08723-0000	
1303	S	2020	000783		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH					
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 20AP11948		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 06/14/1980 DRIVER'S LIC. #: SOCIAL SECURITY #: xxx-xx-x SBI #: TELEPHONE #: () LIVESCAN PCN #:	
COMPLAINANT NAME: AMIR BERCOVICZ					
ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712					

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

DEFENDANT ARRESTED DURING THE COURSE OF A PROTEST

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. GUSTAVO MARTINEZ
1303	S	2020	000783	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

OFFICER OBSERVATIONS

3. If victim was injured, provide the extent of the injury:

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: AMIR BERCOVICZ LAW ENFORCEMENT OFFICER Date: 06/02/2020

Affidavit of Probable Cause

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. GUSTAVO MARTINEZ	
1303	S	2020	000783		
<small>COURT CODE</small>	<small>PREFIX</small>	<small>YEAR</small>	<small>SEQUENCE NO.</small>	ADDRESS: 415 BRICK BLVD BRICK NJ 08723-0000	
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH					
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 20AP11948		DEFENDANT INFORMATION	
COMPLAINANT NAME: AMIR BERCOVICZ ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712				SEX: M EYE COLOR: BROWN DOB: 06/14/1980 DRIVER'S LIC. #: DL STATE: SOCIAL SECURITY #: xxx-xx-x SBI #: TELEPHONE #: () LIVESCAN PCN #:	

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

-The complaining officer personally observed the offense.

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: AMIR BERCOVICZ LAW ENFORCEMENT OFFICER

Date: 06/02/2020

Preliminary Law Enforcement Incident Report

Page 7 of 7

7/20/2018

REQUEST TO DISMISS OR VOID COMPLAINT

ALL DISMISSALS AND VOIDS TO BE PLACED ON THE
RECORD IN OPEN COURT, PER DIRECTIVE #02-08

ASBURY PARK MUNICIPAL COURT

FORM TO BE DISMISSED OR VOIDED:

- ☐ Uniform Traffic Ticket # _____
☐ Special Form of Complaint # _____
☒ CDR # S-2020-783

CHECK ONE BOX ONLY:

☒ **DISMISSAL REQUEST:** The undersigned has issued the
above referenced ticket or complaint and requests that the ticket
or complaint be DISMISSED because:

Accused Failed to identify as a Reporter
After identified Request Dismissal

☐ **VOID REQUEST:** The undersigned states that the above
ticket or complaint was spoiled, not completed or lost and
requests that it be VOIDED because:

Replacement ticket/complaint number(s), if any:

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am
aware that if any of the foregoing statements made by me are willfully
false, I am subject to punishment.

6/2/20
Date of Request

[Signature]
Signature & Badge # of Officer/Requestor

OFFICER SUPERVISOR REVIEW:

I have reviewed and approved the above request to
dismiss or void the above complaint.

6/2/2020
Date of Review

[Signature]
Signature of Police Chief (or Supervisor)

REVIEW REQUEST TO DISMISS BY MUNICIPAL PROSECUTOR:

☐ **DISMISSAL RECOMMENDED**

Date

Municipal Court Prosecutor

- (1) All copies of the Uniform Traffic Ticket/Special Form of Complaint/CDR to
be VOIDED MUST be attached to this request.
- (2) All copies (EXCEPT defendant copy) of the Uniform Traffic Ticket/Special
Form of Complaint/CDR MUST be attached to the DISMISSAL request.
- (3) Officer may retain photocopy of request for police records.
- (4) Municipal Prosecutor may retain copy for prosecutor records.



Asbury Park Police Department

1 Municipal Plaza ASBURY PARK, NJ 07712 (732)774-1300

Individual Arrest Report, Separate Pages

Name: GUSTAVO MARTINEZ
(811760)
Street Address: 415 BRICK BLVD. 34A
Date of Birth: 06/14/80
Local ID Numbers:
State ID Number:
Attorney:
Place of Birth:
Sex: M
Height: 6'02"
Hair Color: BLK
Drivers License:
Marital Status:
Home Phone:
Employer:
Alias For:

City, State Zip: BRICK, NJ 08723-6045
Social Security:
FBI number:
Occupation:
State:
Race: L
Weight: 240
Eyes Color: BRO
State: NJ
Work Phone:

Scars, Marks, and Tattoo Information

Arrest/Offense Information

Booking Number: 20BK04615
Time/Date Arrested: 00:36:10 06/02/20
Arresting Agency: P83
Statute: 2C:33-2, Disorderly Conduct
Offense: DCON, Disorderly Conduct
Warr/Cmplnt #: S0000

Arrest Reference Number:
Arresting Officer: Asbury Park
Age at Arrest: 39
Class: DP
Counts: 1
Related Incident: 20AP11948
Court: 1303
OTN:

Report Includes:

All dates arrested, All booking numbers matching '20BK04615', All arresting agencies, All arresting officers, All arrest types, All arrest area codes, All judicial age statuses, All inmate name numbers, All offense codes, All statute codes, All alcohol/drug codes, All crime class codes, All law jurisdictions, All court codes, All entry codes, All custody flags, All offenses and arrests,

 Law: DISORDERLY PRSN

When Reported: 00:36:10 06/02/2020 Address: 1 MUNICIPAL PLZ; PD 83 ASBURY PARK, NJ 07712 Area: P8325 - ASBURY PARK Agency: P83 Officer: Leon, J Contact: Disposition: CAA, 06/02/2020		Complainant Name: Address: Race: Sex: Phone: Birth Date:		Incident 20AP119 Thu P I Ave																			
Other Information: <input type="checkbox"/>																							
Circumstances: <input type="checkbox"/> Highway, Road, Alley - 1																							
Narrative:																							
Supplements: <input type="checkbox"/>																							
<table border="1"> <thead> <tr> <th>Seq</th> <th>Text</th> <th>When Created</th> <th>Officer Name</th> </tr> </thead> <tbody> <tr> <td>1</td> <td> <input type="checkbox"/> On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr. attempting to clear the area of subjects violating curfew and blocking the roadway. The subject later identify as Gustavo Martinez was first noticed by this officer on the north side of the train tracks. As we continued cleared the 600 BLK of Memorial Dr. Martinez then made his way back across the train tracks to the north side placing himself in the middle of the street. Martinez who at that time was advised by this officer and multiple officers to clear the area for his safety. By failing to comply Martinez was then placed under arrest by a surrounding officer unknown to me at this time. Let be noted that at no time Martinez attempted to show any cadential or identify him self as active press. </td> <td>13:36:15 06/02/2020</td> <td>Bacon, D</td> </tr> <tr> <td>2</td> <td><input type="checkbox"/> On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley</td> <td>13:45:03 06/03/2020</td> <td>Whitley, W</td> </tr> <tr> <td>3</td> <td></td> <td>14:17:33 06/02/2020</td> <td>Savastano, D</td> </tr> <tr> <td>4</td> <td><input type="checkbox"/> On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd</td> <td>14:39:03 06/03/2020</td> <td>Savastano, D</td> </tr> </tbody> </table>		Seq	Text	When Created	Officer Name	1	<input type="checkbox"/> On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr. attempting to clear the area of subjects violating curfew and blocking the roadway. The subject later identify as Gustavo Martinez was first noticed by this officer on the north side of the train tracks. As we continued cleared the 600 BLK of Memorial Dr. Martinez then made his way back across the train tracks to the north side placing himself in the middle of the street. Martinez who at that time was advised by this officer and multiple officers to clear the area for his safety. By failing to comply Martinez was then placed under arrest by a surrounding officer unknown to me at this time. Let be noted that at no time Martinez attempted to show any cadential or identify him self as active press.	13:36:15 06/02/2020	Bacon, D	2	<input type="checkbox"/> On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley	13:45:03 06/03/2020	Whitley, W	3		14:17:33 06/02/2020	Savastano, D	4	<input type="checkbox"/> On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd	14:39:03 06/03/2020	Savastano, D	Edit N	
Seq	Text	When Created	Officer Name																				
1	<input type="checkbox"/> On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr. attempting to clear the area of subjects violating curfew and blocking the roadway. The subject later identify as Gustavo Martinez was first noticed by this officer on the north side of the train tracks. As we continued cleared the 600 BLK of Memorial Dr. Martinez then made his way back across the train tracks to the north side placing himself in the middle of the street. Martinez who at that time was advised by this officer and multiple officers to clear the area for his safety. By failing to comply Martinez was then placed under arrest by a surrounding officer unknown to me at this time. Let be noted that at no time Martinez attempted to show any cadential or identify him self as active press.	13:36:15 06/02/2020	Bacon, D																				
2	<input type="checkbox"/> On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley	13:45:03 06/03/2020	Whitley, W																				
3		14:17:33 06/02/2020	Savastano, D																				
4	<input type="checkbox"/> On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd	14:39:03 06/03/2020	Savastano, D																				
Radio Logs: <input type="checkbox"/> 00:40:15 06/02/2020 - C																							
Involvements: <input type="checkbox"/> Name - 06/02/2020 - MARTINEZ, GUSTAVO - Arrested																							
Files:				Man																			

Refresh Data

Approval



Law: DISORDERLY PRSN

When Reported: 00:36:10 06/02/2020 Address: 1 MUNICIPAL PLZ; PD 83 ASBURY PARK, NJ 07712 Area: P832S - ASBURY PARK Agency: P83 Officer: Leon, J Contact: Disposition: CAA, 06/02/2020		Complainant Name: Address: Race: Sex: Phone: Birth Date:	Incident 20AP115 Thu P 1 Av:
Other Information: <input type="checkbox"/>			
Circumstances: <input type="checkbox"/> Highway, Road, Alley - 1			
Narrative:			
Supplements: <input type="checkbox"/>			
Seq	Text	When Created	Officer Name
1	<input type="checkbox"/> On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr.	13:36:15 06/02/2020	Bacon, D
2	<input type="checkbox"/> On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley along with other agencies were dealing with violent protesters in the 900 block of Monroe Avenue and the 600 and 700 block of Memorial Drive. Note during the time we were walking my (BWC) body worn camera was recording. During which time we began getting railroad stones, orange emergency cones, and wood thrown at towards our way in the 900 Block of Monroe Avenue. It should be noted that if the State Police and the County Rapid Response Team were not there to shield us Officers would have been badly injured. Once the rowdy crowd stop throwing items we proceeding West in the 900 block Monroe Avenue attempting to get the crowd to disperse in which they refused. While walking Officers called out via radio that an Officer was injured and to dispatch first aid expeditiously. At which time we observed the crowd still failing to leave the area. We later arrested a male subject in the 600 block of Memorial Drive. That subject was later transported to headquarters for processing by other patrol units. We then continued to walk towards the 700 block of Memorial Drive. Myself and other Officers were able to lead a small crowd towards Asbury Avenue and and Memorial Drive. I then walked back towards the 700 block of Memorial Drive and observed Officers yelling at subjects that were still in the area. As I was walking I observed a subject later identified Gustavo Martinez facing towards two Officers refusing to leave while the Officers repeatedly advising him to leave the area. At which I then ran over towards the subject and advised the officers to place him under arrest. I then removed my handcuffs from my duty belt and grabbed Martinez right wrist advising him to turn around were he gave resistance and I advised him to get on the ground, at which point I took him to the ground and after a brief struggle Martinez was handcuffed behind his back and was transported to headquarters for processing. It should be noted at no time did Martinez identify himself as a reporter to myself or to the other officers while he was in there face when they were advising him to leave the area.	13:45:03 06/03/2020	Whitley, W
3		14:17:33 06/02/2020	Savastano, D
4	<input type="checkbox"/> On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd	14:39:03 06/03/2020	Savastano, D
Radio Logs: <input type="checkbox"/> 00:40:15 06/02/2020 - C			
Involvements: <input type="checkbox"/> Name - 06/02/2020 - MARTINEZ, GUSTAVO - Arrested			
Files:			Man:

Refresh Data

Approval

 Law: DISORDERLY PRSN

When Reported: 00:36:10 06/02/2020 Address: 1 MUNICIPAL PLZ; PD 83 ASBURY PARK, NJ 07712 Area: P832S - ASBURY PARK Agency: P83 Officer: Leon, J Contact: Disposition: CAA, 06/02/2020	Complainant Name: Address: Race: Sex: Phone: Birth Date:	Incident 20AP119 <div style="border: 1px solid black; padding: 2px; text-align: center;"> Thu P I Ave </div>																				
Other Information: ☐																						
Circumstances: ☐ Highway, Road, Alley - 1																						
Narrative:																						
Supplements: ☐ <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 5%;">Seq</th> <th style="width: 65%;">Text</th> <th style="width: 20%;">When Created</th> <th style="width: 10%;">Officer Name</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>☐ On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr.</td> <td>13:36:15 06/02/2020</td> <td>Bacon, D</td> </tr> <tr> <td>2</td> <td>☐ On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley</td> <td>13:45:03 06/03/2020</td> <td>Whitley, W</td> </tr> <tr> <td>3</td> <td></td> <td>14:17:33 06/02/2020</td> <td>Savastano, D</td> </tr> <tr> <td>4</td> <td>☐ On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd control of violent protesters in the area of Memorial Drive and Monroe Avenue between the hours of 2200 and 2300 hours in the City of Asbury Park. During that time the State Police deployed its Riot Force (RDF), who were equipped with helmets and shields, to disperse the crowd who refused to leave the area. The crowd was then moved North onto Main street and told again to leave the area. After the crowd was moved East on Monroe avenue. At this time, Officers requested backup from that location due to the crowd growing increasingly violent and that they were throwing large rocks from the train tracks. Multiple Officers then responded to Memorial/Monroe after being told the crowd was not dispersing. Upon our arrival, the crowd continued to deny our requests to disperse and leave the area. At this point the crowd was continuing to throw rocks, cones and water bottles at the Officers and I. Due to poor lighting conditions and how dark it was, the rocks were not able to be seen in order to avoid them. Once getting past the intersection of Memorial/Monroe, Sgt. Sangi had sustained a skull fracture after being struck in the forehead with a rock and needed to be evacuated. After getting him to safety, the crowd continued to be pushed North on Memorial in which multiple arrests were made. At one point, Sgt. Townsend was placing a subject under arrest and i put myself between them and the crowd to ensure their safety. At this point I screamed at the crowd to back up and leave the area. While continuing to push the crowd i observed PO Whitley step in front and take control of a subjects right hand and advised him he was under arrest. Whitley then brought the subject, later identified as Gustavo Martinez, to the ground at which point I assisted with handcuffing. It should be noted, while the incident was happening Martinez did not identify himself as being affiliated with the press. He was dressed in dark colored clothing and I did not see any markings on him that could clearly identify him such as a vest or hat with bright colors marked "PRESS". Furthermore, Martinez positioned himself along side of the violent protesters and not behind the Police which would make known his reasoning for being there. After the arrest was made i continued to push the crowd North on Memorial Drive Past Asbury avenue at which point multiple Officers formed a riot line and continued with crowd control. </td> <td>14:39:03 06/03/2020</td> <td>Savastano, D</td> </tr> </tbody> </table>			Seq	Text	When Created	Officer Name	1	☐ On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr.	13:36:15 06/02/2020	Bacon, D	2	☐ On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley	13:45:03 06/03/2020	Whitley, W	3		14:17:33 06/02/2020	Savastano, D	4	☐ On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd control of violent protesters in the area of Memorial Drive and Monroe Avenue between the hours of 2200 and 2300 hours in the City of Asbury Park. During that time the State Police deployed its Riot Force (RDF), who were equipped with helmets and shields, to disperse the crowd who refused to leave the area. The crowd was then moved North onto Main street and told again to leave the area. After the crowd was moved East on Monroe avenue. At this time, Officers requested backup from that location due to the crowd growing increasingly violent and that they were throwing large rocks from the train tracks. Multiple Officers then responded to Memorial/Monroe after being told the crowd was not dispersing. Upon our arrival, the crowd continued to deny our requests to disperse and leave the area. At this point the crowd was continuing to throw rocks, cones and water bottles at the Officers and I. Due to poor lighting conditions and how dark it was, the rocks were not able to be seen in order to avoid them. Once getting past the intersection of Memorial/Monroe, Sgt. Sangi had sustained a skull fracture after being struck in the forehead with a rock and needed to be evacuated. After getting him to safety, the crowd continued to be pushed North on Memorial in which multiple arrests were made. At one point, Sgt. Townsend was placing a subject under arrest and i put myself between them and the crowd to ensure their safety. At this point I screamed at the crowd to back up and leave the area. While continuing to push the crowd i observed PO Whitley step in front and take control of a subjects right hand and advised him he was under arrest. Whitley then brought the subject, later identified as Gustavo Martinez, to the ground at which point I assisted with handcuffing. It should be noted, while the incident was happening Martinez did not identify himself as being affiliated with the press. He was dressed in dark colored clothing and I did not see any markings on him that could clearly identify him such as a vest or hat with bright colors marked "PRESS". Furthermore, Martinez positioned himself along side of the violent protesters and not behind the Police which would make known his reasoning for being there. After the arrest was made i continued to push the crowd North on Memorial Drive Past Asbury avenue at which point multiple Officers formed a riot line and continued with crowd control.	14:39:03 06/03/2020	Savastano, D
Seq	Text	When Created	Officer Name																			
1	☐ On the date of 06/01/2020 This officer was walking north on 600 BLK Memorial Dr.	13:36:15 06/02/2020	Bacon, D																			
2	☐ On June 1, 2020 between the hours of 2200 and 2230 hours I PO William Whitley	13:45:03 06/03/2020	Whitley, W																			
3		14:17:33 06/02/2020	Savastano, D																			
4	☐ On June 1, 2020 I Detective Daniel Savastano #265 was assisting with crowd control of violent protesters in the area of Memorial Drive and Monroe Avenue between the hours of 2200 and 2300 hours in the City of Asbury Park. During that time the State Police deployed its Riot Force (RDF), who were equipped with helmets and shields, to disperse the crowd who refused to leave the area. The crowd was then moved North onto Main street and told again to leave the area. After the crowd was moved East on Monroe avenue. At this time, Officers requested backup from that location due to the crowd growing increasingly violent and that they were throwing large rocks from the train tracks. Multiple Officers then responded to Memorial/Monroe after being told the crowd was not dispersing. Upon our arrival, the crowd continued to deny our requests to disperse and leave the area. At this point the crowd was continuing to throw rocks, cones and water bottles at the Officers and I. Due to poor lighting conditions and how dark it was, the rocks were not able to be seen in order to avoid them. Once getting past the intersection of Memorial/Monroe, Sgt. Sangi had sustained a skull fracture after being struck in the forehead with a rock and needed to be evacuated. After getting him to safety, the crowd continued to be pushed North on Memorial in which multiple arrests were made. At one point, Sgt. Townsend was placing a subject under arrest and i put myself between them and the crowd to ensure their safety. At this point I screamed at the crowd to back up and leave the area. While continuing to push the crowd i observed PO Whitley step in front and take control of a subjects right hand and advised him he was under arrest. Whitley then brought the subject, later identified as Gustavo Martinez, to the ground at which point I assisted with handcuffing. It should be noted, while the incident was happening Martinez did not identify himself as being affiliated with the press. He was dressed in dark colored clothing and I did not see any markings on him that could clearly identify him such as a vest or hat with bright colors marked "PRESS". Furthermore, Martinez positioned himself along side of the violent protesters and not behind the Police which would make known his reasoning for being there. After the arrest was made i continued to push the crowd North on Memorial Drive Past Asbury avenue at which point multiple Officers formed a riot line and continued with crowd control.	14:39:03 06/03/2020	Savastano, D																			
Radio Logs: ☐ 00:40:15 06/02/2020 - C																						
Involvements: ☐ Name - 06/02/2020 - MARTINEZ, GUSTAVO - Arrested																						
Files:		Mane																				

[Refresh Data]
[Approval]

ASBURY PARK POLICE DEPARTMENT

USE OF FORCE REPORT

A. Incident Information

Date 6/1/20	Time 2224	Day of Week Monday	Location 700 blk Memorial Drive	INCIDENT NUMBER 20AP11948
Type of Incident <input checked="" type="checkbox"/> Crime In Progress <input type="checkbox"/> Domestic <input type="checkbox"/> Suspicious Person <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Other (specify) _____				

B. Officer Information

Name (Last, First, Middle) Whitley, William, J		Badge # 210	Sex m	Race Blk	Age 40	Injured no	Killed no
Rank Patrolman	Duty Assignment Patrol	Years of Service 18	On-Duty yes		Uniform yes		
Lighting Conditions (Check or circle all that apply) <input type="checkbox"/> Dawn <input type="checkbox"/> Daylight <input type="checkbox"/> Dusk <input type="checkbox"/> Dark/No lights <input checked="" type="checkbox"/> Dark/Lights On <input type="checkbox"/> Dark/Secondary light source				(Check or circle one, if applicable)			
If Injured, hospital to where taken: n/a		Weather <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Other: _____					

C1. Subject 1 (List only the persons who were the subject of the use of force by the officer listed in Section B.)

Name (Last, First, Middle) Martinez, Gustavo		Sex m	Race his	Hispanic yes	Age 39	Hgt/Wgt 6 2	Injured/Killed no	Weapon no
<input type="checkbox"/> Under the Influence <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Both <input type="checkbox"/> Other Unusual Condition (EDP, etc.) (specify) _____				Arrested yes	Charges disorderly/obstructing/ resisting arrest			
Subject's Actions (check all that apply) <input checked="" type="checkbox"/> Resisted police officer control <input type="checkbox"/> Physical threat/attack on officer or another <input type="checkbox"/> Threatened/attacked officer or another with blunt object <input type="checkbox"/> Threatened/attacked officer or another with knife/cutting object <input type="checkbox"/> Threatened/attacked officer or another with motor vehicle <input type="checkbox"/> Threatened officer or another with firearm <input type="checkbox"/> Fired at officer or another <input type="checkbox"/> Other (specify) _____				Officer's use of force toward this subject (check all that apply) <input checked="" type="checkbox"/> Compliance hold <input type="checkbox"/> Firearms Discharge <input type="checkbox"/> Hands/fists <input type="checkbox"/> Intentional <input type="checkbox"/> Kicks/feet <input type="checkbox"/> Accidental <input type="checkbox"/> Chemical/natural agent <input type="checkbox"/> Number of Shots Fired _____ <input type="checkbox"/> Strike/use baton or other object <input type="checkbox"/> Number of Hits _____ <input type="checkbox"/> Canine Other (specify) arm bar and pressure point to under ribs and under noise				
If Injured, hospital to where taken: JSUMC				Approximate distance from subject: 0 feet				

C2. Subject 2

Name (Last, First, Middle)		Sex	Race	Hispanic	Age	Hgt/Wgt	Injured/Killed	Weapon
<input type="checkbox"/> Under the Influence <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Both <input type="checkbox"/> Other Unusual Condition (EDP, etc.) (specify) _____				Arrested	Charges			
Subject's Actions (check all that apply) <input type="checkbox"/> Resisted police officer control <input type="checkbox"/> Physical threat/attack on officer or another <input type="checkbox"/> Threatened/attacked officer or another with blunt object <input type="checkbox"/> Threatened/attacked officer or another with knife/cutting object <input type="checkbox"/> Threatened/attacked officer or another with motor vehicle <input type="checkbox"/> Threatened officer or another with firearm <input type="checkbox"/> Fired at officer or another <input type="checkbox"/> Other (specify) _____				Officer's use of force toward this subject (check all that apply) <input type="checkbox"/> Compliance hold <input type="checkbox"/> Firearms Discharge <input type="checkbox"/> Hands/fists <input type="checkbox"/> Intentional <input type="checkbox"/> Kicks/feet <input type="checkbox"/> Accidental <input type="checkbox"/> Chemical/natural agent <input type="checkbox"/> Number of Shots Fired _____ <input type="checkbox"/> Strike/use baton or other object <input type="checkbox"/> Number of Hits _____ <input type="checkbox"/> Canine Other (specify) _____				
If Injured, hospital to where taken:				Approximate distance from subject:				

➤ If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.

Signature:	Date: 6/1/20
(SUPERVISOR) I hereby certify that I have reviewed this Use of force report for accuracy and completeness and have promptly addressed any issues as they may pertain to policy interpretation, training, weapons or equipment, or discipline. Recommendations to modify policy, apply remedial training beyond what can be performed by me, change weapons, equipment or tactics, or apply discipline beyond my capabilities shall be thoroughly documented and forwarded through the chain of command.	
Print Supervisor Name: Capt. Amir Barcanic	Supervisor's Signature:
Date of Supervisor's Review: 6/3/20	

01/2015

For Date: 06/01/2020 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
20-9761	2224	Phone - ASSIST OTHER AGENCY	Services Rendered	3	
Call Taker:	B338	- Lavallee, Olivia			
Primary Id:	B161	- Hawkins, Nichole			
Call Closed By:	B969	- Gonnella, Joseph 06/02/2020 0056			
Call Modified By:	B161	- Hawkins, Nichole			
Location/Address:	[BEL 1]	BELMAR POLICE DEPARTMENT - 601 MAIN ST			
Jurisdiction:		Belmar			
Fire District:		Town Wide			
ID:	B143	- Lee, Todd			
		Disp-22:25:19	Arvd-22:25:21	Clrd-06/02/2020 @ 00:56:29	
Cleared By:	B969	- Gonnella, Joseph			
ID:	B163	- McGill, Patrick			
		Disp-22:35:21	Arvd-23:08:54	Clrd-06/02/2020 @ 00:56:28	
Cleared By:	B969	- Gonnella, Joseph			
ID:	B161	- Hawkins, Nichole			
		Disp-23:09:10	Arvd-23:09:14	Clrd-06/02/2020 @ 00:45:02	
Cleared By:	B161	- Hawkins, Nichole			
ID:	B165	- Marron, Kevin			
		Disp-23:09:12	Arvd-23:09:15	Clrd-06/02/2020 @ 00:56:31	
Cleared By:	B969	- Gonnella, Joseph			
Narrative:	06/01/2020 2225	Lavallee, Olivia			
		sherriffs officer bringing in two 41s from protest			
Narrative:	06/01/2020 2235	Gonnella, Joseph			
		Sherriffs bringing in 3 male and 2 female 41s from protest.			

A story

BELMAR P.D. X LAKE COMO P.D. SPRING LAKE HEIGHTS P.D.

NAME OF DETAINEE: Gustavo Martinez MALE: ☒ FEMALE: ☐
DATE OF BIRTH: 6-19-80 AGE: _____ CHARGE: _____ CELL#: 12
ARREST JACKET#: _____ DEPARTMENT CASE # 20-9761
DATE & TIME IN: 6/1/20 10:55 DATE & TIME OUT: 7/1 1 _____
PROPERTY TAKE: YES: ☒ NO: ☐ LOCKER#: _____ ADULT: ☐ JUVENILE: ☐
OFFICER'S NAME: Plt Mcg. Ti BADGE #: 163 PATROL VEHICLE #: _____

SECURITY RISK: ____ SUICIDAL: ____ EXHIBITS MENTAL ILLNESS: ____

[illegible]

PLEASE CHECK THE FOLLING WHEN COMPLETED:

- CELL SEARCHED AFTER PRISONER/DETAINEE IS RELEASED
WHEN A PRISONER/DETAINEE IS FED, NO UTENSILS WERE GIVEN
PRISONER/DETAINEE WAS GIVEN MEDICAL ASSISTANCE
PROPERTY BAG COMPLETED AND SIGNED BY PRISONER/DETAINEE WHEN PROPERTY WAS RETURNED
POSITIVE ID OF PRISONER WHEN RELEASED

DO NOT: PRE-WRITE, WRITE OVER, USE WHITE OUT, ERASE, ABBREVIATE THIS REPORT

NOTE: PRISONER/DETAINEE MUST BE PHYSICALLY INSPECTED AT LEAST EVERY 30 MINUTES. IF THERE ARE SPECIAL CIRCUMSTANCES, THE PRISONER/DETAINEE MUST BE CHECKED EVERY 15 MINUTES. ALWAYS INCLUDE TYPE OF RELEASE IN REMARKS (I.E., BAIL, ROR, COUNTY JAIL, ECT.)

CELL# _____

Belmar Police Arrestee Information Sheet

Case Number: 20-9761

Date: 6/1/20

Time of Case: _____

Time of Arrest: _____

SUBJECT

Name: Gustavo Martinez

Address: 415 Brick

Phone Number: (_____) _____ - _____ Cell/ Home

Date of Birth: ____/____/____

Social Security Number: ____-____-____

Driver's License #: _____ State: _____ Exp. Date: _____

Height: _____ Weight: _____ Race: White/Asian /Black /American Indian/Other

Sex: M / F Eyes: _____ Hair: _____

Military: _____ Employed / Student / Unemployed

Charge: Dis Con

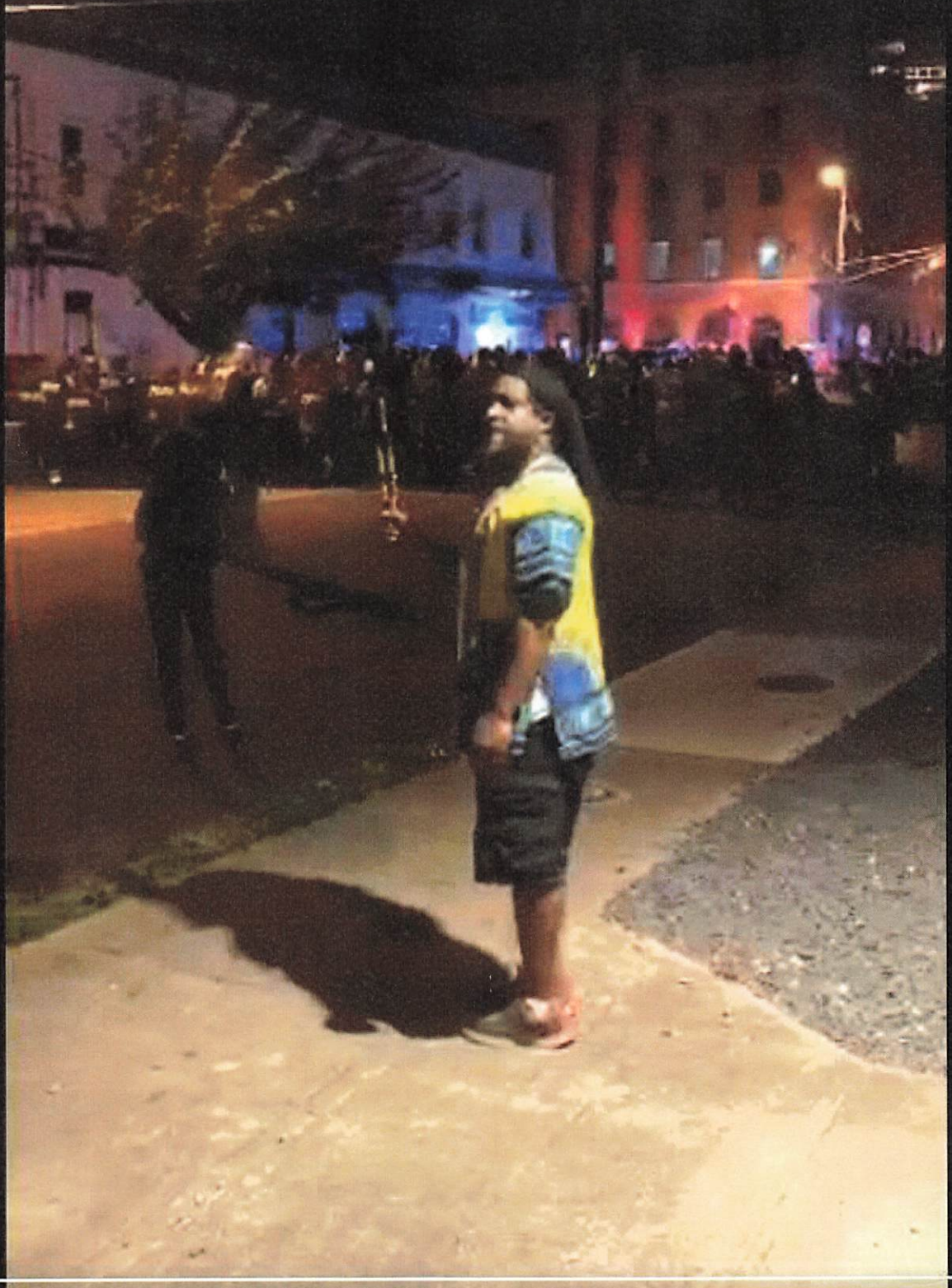
Crime Location: Asbury Park

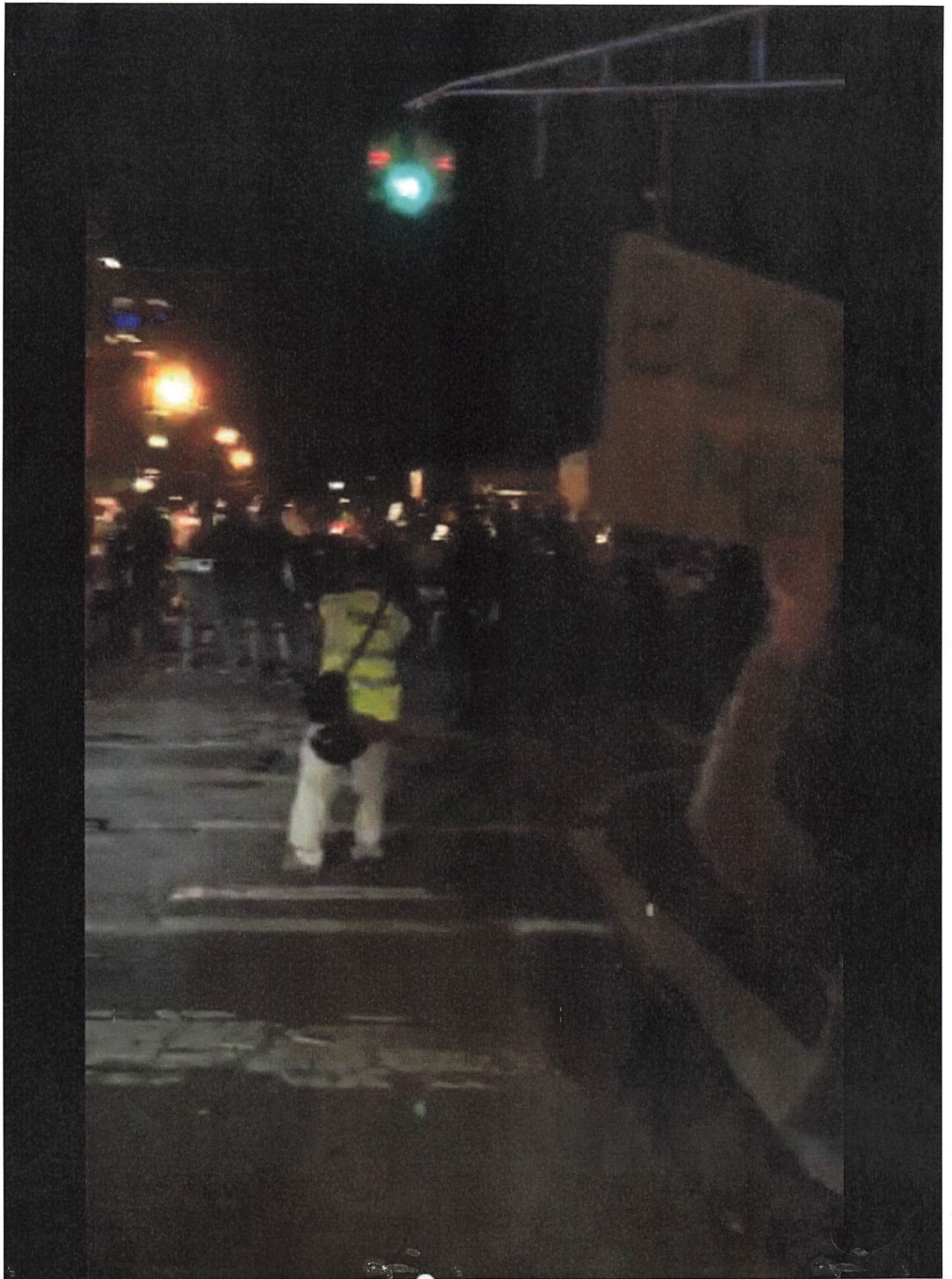
Complaining Officer: _____

Badge # _____

Brief History of Crimes: _____









06/01/2020 22:07:06
n03wwhit
Asbury Park PD



4:31